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CMA No. 1160 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1160 of 2026

and

CMP No.11462 of 2026

The Branch Manager
The New India Assurance Company Ltd.,
No.2, B.R. Complex,
Woods Road,
Chennai – 600 002.

..Appellant(s)

Vs

1. Kanimozhi
2. Minor Sabarivasan
3. Minor Sanjana

(Minor respondents 2 and 3 are represented by
the 1st respondent as their mother and natural
guardian)

4. Vairakannu
5. Indirani
6. Devi
7. Vinothraj

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor
Accident Act, 1988, to set aside the award dated 09.10.2025 passed in MCOP
No.275 of 2024 on the file of the Principal Sub Judge, MACT, Mayiladuthurai.



For Appellant(s): Mr.T.Jayaraman

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JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

This Appeal is taken up for hearing at the time of admission itself, without issuing notice to the respondents.

2.The 3rd respondent in MCOP No.275 of 2024 on the file of the Principal Sub Judge, Motor Accident Claims Tribunal, Mayiladuthurai, aggrieved by the award dated 09.10.2025 is the appellant herein.

3.It is the case of the claimants before the Tribunal that the deceased Bheemarao Ramjee was the rider of a motor cycle bearing Reg. No.TN-82-X-0213 and the pillion rider was one Vijayakumar. The accident occurred on 21.03.2019 when a Bolero Jeep bearing Reg.No.TN-31-AX-6310 insured with the appellant herein had dashed against the motor cycle causing fatal injuries of the driver of the motor cycle / Bheemarao Ramjee who had died and causing injuries to the pillion rider / Vijayakumar who was admitted to the hospital.

4.On appreciation of evidence, the Tribunal had found that the accident was caused owing to the rash and negligent manner in which the Bolero Jeep



was driven and therefore, proceeded to determine the compensation and had granted a total compensation of Rs.26,65,500/- under the following heads:

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Sl.No.	Heads	Compensation Amount
1	Loss of Dependency	Rs.23,62,500/-
2	Loss of Estate	Rs.16,500/-
3	Loss of Consortium	Rs.2,20,000/-
4	Funeral Expenses	Rs.16,500/-
5	Spousal Consortium	Rs.50,000/-
	Total	Rs.26,65,500/-

5.The appellant herein is not questioning the quantum of the compensation awarded but rather had raised an issue that the Bolero Jeep said to have been involved in the accident and insured with the appellant was not at all the offending vehicle. The learned counsel for the appellant stated that when the initial complaint was lodged before the jurisdictional police station regarding the accident, the defacto complainant had not given the registration number of the offending vehicle and the First Information Report was registered that the accident occurred by a vehicle with unknown registration number.

6.However, a perusal of the evidence, particularly of RW-1, the Sub-Inspector of Police, Sirkazhi Police Station, reveals that the accident occurred on 21.03.2019 and subsequently, on 25.03.2019, the driver of the Bolero Jeep

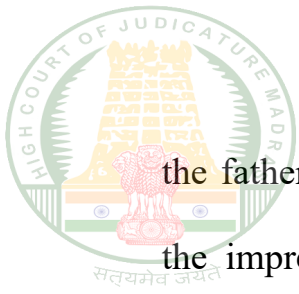


had voluntarily surrendered before the police station and thereafter, the police had conducted further investigation in the First Information Report and had placed the responsibility on the driver of the Bolero Jeep and final report had also been filed after the investigation had been completed. It is now stated that the criminal case is still pending.

7.The learned counsel for the appellant argued that immediately after the accident, the details of the offending vehicle had not been given and therefore, raised a doubt that the Bolero Jeep which is now determined as offending vehicle bearing Reg.No.TN-31-AX-6310 and insured with the appellant was not at all the offending vehicle.

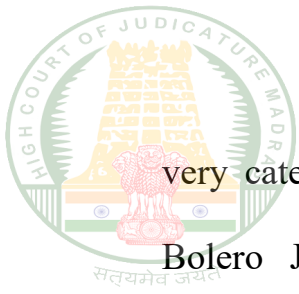
8.But however, the evidence adduced during the trial shows otherwise. RW-1, Sub-Inspector of Police, had very categorically stated that investigation revealed that it was the Bolero Jeep involved in the accident and which had dashed against the motor cycle bearing Reg. No.TN-82-X-0213 driven by Bheemarao Ramjee with the pillion rider Vijayakumar. The driver of the motor cycle died and the pillion rider suffered injuries.

9.It is also seen that during trial, two witnesses had been examined on behalf of the claimants and PW-2, Baskaran had stated that he had given the details of the registration number and other aspects of the offending vehicle to



the father-in-law of PW-1 / father of the deceased, Vairakannu and he was of the impression that the father-in-law would have given those details to the police station. He had however stated that it was the Bolero Jeep which had caused the accident. More importantly, RW-1, Sub-Inspector of Police, Sirkazhi Police Station, had very categorically stated that, on 21.03.2019 when the accident occurred, they were not aware of the vehicle which had caused the accident. But subsequently, on 25.03.2019, the driver of the Bolero Jeep had voluntarily surrendered before the police station and thereafter, investigation continued in the First Information Report which had been earlier registered and it was determined that the offending vehicle was the Bolero Jeep and its driver had driven it in a rash and negligent manner and caused the accident. This evidence had not been shattered during the course of cross examination even though suggestions were put that the evidence was not correct. Still during the re-examination, the witness / RW-1 had very categorically stated that evidence gathered during the course of investigation had pointed out that it was the Bolero Jeep which was involved in the accident.

10.It is also pertinent to point out that final report had also been filed and same had not been challenged by the accused and the trial is still in progress. It is also to be noted that no eye witnesses were examined on behalf of the appellant herein to contradict the evidence adduced on behalf of the claimants and the evidence adduced on behalf of PW-2 and RW-1. These witnesses were



very categorical and pointed out that the offending vehicle was actually the Bolero Jeep bearing Reg.No.TN-31-AX-6310. No arguments had been advanced with respect to the quantum of the compensation awarded and therefore, we are not entering into any discussion on that particular aspect. The only issue raised that the Bolero Jeep said to have been involved in the accident was not at all the offending vehicle is rejected by us.

11. With the above observations, the Civil Miscellaneous Appeal stands dismissed confirming the award passed by the Tribunal in M.C.O.P.No.275 of 2024 dated 09.10.2025. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

(C.V.K.,J.) (K.R.S.,J.)
01-06-2026

smv

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To,

The Principal Subordinate Judge,

Motor Accident Claims Tribunal, Mayiladuthurai.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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